

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT SECURITIES
LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

UNION SECURITIES INVESTMENT TRUST CO.,
LTD., UNION USD GLOBAL ARBITRAGE FUND,
UNION USD GLOBAL ARBITRAGE A FUND, and
UNION ARBITRAGE STRATEGY FUND,

Defendants.

Adv. Pro. No. 12-01211 (SMB)

**APPELLEES' COUNTER-DESIGNATION OF ADDITIONAL
ITEMS TO BE INCLUDED IN THE RECORD ON APPEAL**

Pursuant to Rule 8009 of the Federal Rules of Bankruptcy Procedure and Rule 8009-1 of the Local Bankruptcy Rules for the Southern District of New York, Appellees Union Securities Investment Trust Co., Ltd. (“**USITC**”), Union USD Global Arbitrage Fund (“**Union Global Fund**”), Union USD Global Arbitrage A Fund (“**Union Global A Fund**”), and Union Arbitrage Strategy Fund (“**Union Strategy Fund**,” and together with USITC, Union Global Fund and Union Global A Fund, the “**Union Securities Appellees**”), by and through their undersigned

counsel, respectfully submit the following counter-designation of items to be included in the record on appeal with respect to the appeal by Irving H. Picard (the “**Trustee**”), as trustee of the substantively consolidated estate of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and Bernard L. Madoff, individually, in the above captioned adversary proceeding (the “**Adversary Proceeding**”) of the Stipulated Final Order Granting Motion to Dismiss Complaint (the “**Final Judgment**”) before the United States Court of Appeals for the Second Circuit.

**COUNTER-DESIGNATION OF ADDITIONAL ITEMS
TO BE INCLUDED IN THE RECORD ON APPEAL¹**

The Union Securities Appellees may rely on some or all of the items designated for the record on appeal by the Trustee in the *Trustee’s Statement of Issues to be Presented and Designation of Items to be Included in the Record on Appeal*, dated March 28, 2017 [Adv. Pro No. 12-01211 (SMB), ECF No. 86] (the “**Trustee’s Designation**”). The Union Securities Appellees hereby designate for inclusion in the record on appeal the following items, which were included in the Trustee’s Designation but with incorrect ECF numbers, and are included here to ensure that the record on appeal is accurate:

No.	Date	ECF No. (12-01211)	ECF No. (08-01789)	Docket Text
1	3/30/2015	69	11542	Reply to Motion /Reply Consolidated Supplemental Memorandum of Law in Support of Transferee Defendants' Motion to Dismiss Based on Extraterritoriality filed by Blanka K. Wolfe on behalf of Union Arbitrage Strategy Fund, Union Securities Investment Trust Co., Ltd., Union USD Global Arbitrage A Fund, Union USD Global Arbitrage Fund. (Wolfe, Blanka) (Entered: 09/30/2015)

¹ Items designated include all exhibits and submissions attached thereto and, as to hearing transcripts, any and all documents admitted into evidence.

In addition, the Union Securities Appellees hereby designate for inclusion in the record on appeal the following items:

No.	Date	ECF No. (12-01211)	ECF No. (08-01789)	Docket Text
2	4/7/2016	-	13070	<i>Letter on Behalf of the Subsequent Transferee Defendants in Response to Mr. Sheehans Letter dated April 7, 2016</i> (related document(s)13051) Filed by Franklin B. Velie on behalf of Bank Austria Worldwide Fund Management Ltd.. (Velie, Franklin) (Entered: 04/08/2016)

RESERVATION OF RIGHTS

The Union Securities Appellees expressly reserve the right to: (i) supplement, amend, or modify the designation of additional items for the record on appeal, (ii) adopt the designation of any items designated or counter-designated by any other appellant, cross-appellant, appellee, or cross-appellee to any of the appeals or cross-appeals from the Final Judgment (iii) move to strike items designated by any party as necessary or appropriate and (iv) present a counterstatement of issues on appeal in its appellate brief(s) (including any brief joined by the Union Securities Appellees or otherwise applicable to this Adversary Proceeding).

Dated: April 11, 2017

New York, New York

By: /s/ Malani J. Cademartori

Malani J. Cademartori, Esq.

Blanka K. Wolfe, Esq.

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